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Southern District of Georgia

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November 13, 2020

David J. Smith, Clerk
United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Re: *United States v. Winner*, No. 20-11692
Notice of Supplemental Authority under Fed. R. App. P. 28(j) and
Eleventh Circuit I.O.P.-6

Dear Mr. Smith:

This week, in an unpublished case, the Seventh Circuit held that 18 U.S.C. § 3582(c)(1)(A)'s "exhaustion requirement is a mandatory claim processing rule." *See United States v. Williams*, — F. App'x —, 2020 WL 6604791, at *2 (7th Cir. Nov. 10, 2020). Thus, "[t]he district court correctly denied compassionate release for Williams based on his failure to present proof that he had satisfied" the exhaustion requirement. *Id.* The Seventh Circuit rejected the defendant's argument that "the district court should have waived the exhaustion requirement based on the unprecedented nature of COVID-19, which presents an 'extraordinary and compelling' reason for his release." *Id.* "Waiver cannot apply here because the government timely objected to Williams's failure to exhaust at every opportunity." *Id.*

Thus, in *Williams*, the Seventh Circuit now joins the Third, Fifth, Sixth, and Tenth Circuits in holding that a defendant must first exhaust their administrative remedies as required by § 3582(c)(1)(A) before they may file their motion in district court.

Sincerely,

BOBBY L. CHRISTINE
UNITED STATES ATTORNEY

/s/ Justin G. Davids

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CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

COMES NOW the United States of America, by and through Bobby L. Christine, United States Attorney for the Southern District of Georgia, and files its Certificate of Interested Persons and Corporate Disclosure Statement as follows:

Aaron, David C., U.S. Department of Justice Attorney

Barnard, Thomas H., Attorney for Appellant

Bell Jr., John C., Attorney for Appellant

Chester, Matthew S., Attorney for Appellant

Christine, Bobby L., United States Attorney

Davids, Justin G., Assistant United States Attorney

Durham, James D., Former Assistant United States Attorney

Edelstein, Julie A., U.S. Department of Justice Attorney

Epps, Hon. Brian K., United States Magistrate Judge

Greenwood, Nancy C., Assistant United States Attorney

Hall, Hon. J. Randal, Chief United States District Judge

Hudson, David E., Former Attorney for Reporters Committee for
Freedom of the Press

Larson, Amy E., U.S. Department of Justice Attorney

Mannino, Katherine C., Attorney for Appellant

McCook, Jill E., Former Attorney for Appellant

Nichols, Titus T., Attorney for Appellant

Rafferty, Brian T., Former Assistant United States Attorney

Reporters Committee for Freedom of the Press

Robichaux, Mary S., Assistant United States Attorney

Rodriguez-Feo, Carli, Interested Party

Solari, Jennifer G., Assistant United States Attorney

Switzer, Brett A., Attorney for Appellant

Whitley, Joe D., Attorney for Appellant

Winner, Reality Leigh, Appellant

No publicly traded company or corporation has an interest in the outcome of this case or appeal.

CERTIFICATE OF SERVICE

I hereby certify that one copy of the foregoing letter has been served on all the parties in this case in accordance with the notice of electronic filing generated as a result of electronic filing in this Court on November 13, 2020.

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